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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 135th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 April 1994, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Burkina Faso (CRC/C/3/Add.19)

1. The CHAIRPERSON announced that the delegation of Burkina Faso was composed of Mr. Ouedraogo R. Gaétan, Ambassador of Burkina Faso to the United States of America and Permanent Representative of Burkina Faso to the United Nations, Mr. Zina Yacouba, Chairman of the Follow-up and Implementation Committee for the National Action Plan for Children and the Convention on the Rights of the Child, and Mr. Nignan Adouna, member of the Permanent Secretariat of the National Committee for Children.

2. At the invitation of the Chairperson, Mr. Ouedraogo, Mr. Zina and Mr. Nignan (Burkina Faso) took places at the Committee table.

3. Mr. OUEDRAOGO (Burkina Faso) congratulated the Committee on the work it was doing for children; he was convinced that, in the forthcoming dialogue between the Committee and his delegation, the best interests of children would prevail. As members would recall, Burkina Faso had been closely involved in the process of adoption of the Convention by the General Assembly and had been among the first countries to sign it. Recently, the Delegated Ministry for Social Action and the Family, which was responsible for implementing the Convention, had been upgraded to the level of a ministry in its own right, which testified to his country's determination to bolster its efforts in support of children, despite the economic difficulties it was confronting, particularly as a result of the structural adjustment policy and the recent devaluation of the CFA franc. The Head of State had recently decided to take an active part in the follow-up and evaluation of the National Action Plan (NAP). In that regard, it was worth noting that the NAP Follow-up and Evaluation Committee was made up not only of representatives of the ministries concerned, but also of representatives of UNICEF, various NGOs and a number of religious denominations.

4. Providing a brief description of his country, he said that Burkina Faso had a total area of 274,200 square kilometres and a population of 9.5 million inhabitants, of whom 46 per cent were under 15 years of age. The country was totally land-locked and had a dry season lasting nine months. It was one of the world's least developed countries: the annual per capita income stood at 300 dollars. Despite all those difficulties, the people and Government of Burkina Faso were determined to do their utmost to improve the situation of children, in cooperation with concerned agencies and NGOs, and with UNICEF in particular.

5. The CHAIRPERSON thanked Mr. Ouedraogo for his introduction and for the document (in French, no symbol) which the Burkina Faso delegation had circulated to the Committee and contained the responses of the Government to the questions raised by the Committee in its list of issues (CRC/C/6/WP.5). She invited the members of the Committee to put questions to the Burkina Faso delegation.

6. Mr. MOMBESHORA inquired what effects the structural adjustment programme and the devaluation of the CFA franc had had on the implementation of social programmes and the Convention, and whether measures had been taken to mitigate those effects.

7. Mrs. SANTOS PAIS welcomed the fact that the rule of law and the democratic institutions had been strengthened in Burkina Faso despite the economic difficulties. She wished to draw special attention to a number of what to her appeared to be very favourable points: Burkina Faso's prompt ratification of the Convention; its submission of a report which adhered to the Committee's guidelines; the very great spirit of cooperation it had shown in agreeing to submit its report earlier than scheduled; and the fact that its delegation was composed of prominent persons who were closely involved in the implementation of the Convention.

8. She also wished to stress the broad-based composition of the NAP Follow-up and Evaluation Committee and the critical spirit displayed by the Government of Burkina Faso. The report (CRC/C/3/Add.19) did not attempt to conceal the evident problems, among them child labour, discrimination against girls, and the persistent phenomenon of arranged marriages. Also very favourable was the fact that the international instruments to which Burkina Faso was a party could be invoked before the courts and that the armed forces could not recruit young people under the age of 20. Lastly, however, it would be useful to know what happened when domestic legislation was in conflict with the Convention.

9. Mr. HAMMARBERG said that, according to UNICEF, the infant mortality rate in Burkina Faso was 154 per 1,000 (world average: 97 per 1,000), the measles vaccination rate 36 per cent, the primary education enrolment rate 29 per cent (world average: 77 per cent) and the maternal mortality rate 810 deaths per 100,000 births (the average for Africa was 590 deaths per 100,000 births). On the other hand, UNICEF had no data concerning malnutrition and the fertility rate. Was that lack of data in various sectors due to poor communication between UNICEF and Burkina Faso? He would also welcome details of the system set p by Burkina Faso for the collection, in various sectors, of data to enable the situation of children to be evaluated precisely.

10. With regard to the budget, did education and health have priority over military expenditure? What were the respective amounts of the external debt and external assistance? Was there a debt alleviation plan? And in the opinion of the Burkina Faso Government, which should be the priority areas for international assistance?

11. Lastly, did the Burkina Faso Government wish, in accordance with article 45 (b) of the Convention, the Committee to transmit certain requests to the specialized agencies of the United Nations or to other competent bodies?

12. Mrs. EUFEMIO congratulated the Government of Burkina Faso on having established a Follow-up and Implementation Committee for the National Action Plan for Children. Did the Government envisage associating children themselves with the work of that Committee? She noted from paragraph 3 of the report that one of the aims of the Committee was to prepare follow-up

indicators. Had those indicators been developed and had they proved useful? Lastly, she would like to know whether the NAP dealt with the civil rights of the child, the family environment and special measures to protect children, especially children in conflict with the law and exploited children.

13. Mr. OUEDRAOGO (Burkina Faso), replying to Mr. Mombeshora, said that the practice of making children aware of their rights had begun prior to ratification of the Convention and had been undertaken by the Ministry of Social Action. Subsequently, Burkina Faso had extended its activities, associating with them civil society (non-governmental organizations), customary authorities and members of the Follow-up and Implementation Committee for the National Action Plan for Children. Unfortunately, the devaluation of the CFA franc had destabilized those activities. Henceforth, the NAP for Children would have to take account of macro-economic data in order to provide adequate responses to the devastating effects of the devaluation.

14. In reply to Mrs. Santos País, he said that the Convention, which had been ratified in August 1990, had the force of law under article 149 of the Constitution (adopted on 2 June 1991). In addition, article 151 of the Constitution provided that once approved treaties or agreements were implemented, they had precedence over other legislation.

15. Replying to Mr. Hammarberg, who had mentioned a UNICEF document entitled "The progress of nations" (1993) and expressed the view that the statistics on children provided by Burkina Faso might be incomplete, he stated that it was the National Institute of Statistics that was responsible for compiling data. However, that Institute was short of resources and the Burkina Faso authorities had requested technical and financial assistance from EEC and certain organizations in the United Nations system. From 1986 to 1988 Burkina Faso had benefited from the assistance of UNDP in the area of supply, but the Government had to take account of the constraints imposed by structural adjustment and devaluation. Donors were now more demanding with regard to the countries to which they provided assistance.

16. Budget resources allocated to health and education were higher than those earmarked for the army. Social expenditure was the largest item in the national budget. Despite the debt cancellations granted some years before repayment of the external debt, which was approximately 1 billion dollars, accounted for 10-25 per cent of the gross national product.

17. The initial report had been distributed to the ministries, the national and international partners of Burkina Faso, the provincial high commissioners and the provincial directors of the Ministry of Health, Social Action and the Family. It had also been publicized by the media. Children were associated with events which concerned them. Thus, on the occasion of the national forum on children's rights, held in Ouagadougou in April 1989, a number of plays directed and acted by children had been performed.

18. There were a number of teaching modules for the training of primary teachers, and also information modules for social workers to enable them to teach children and families about the Convention.

19. In 1992, at the Regional Conference on African Youth, the participants had studied ways and means of enabling young people to participate more effectively in the implementation of the World Plan of Action for Children. On that occasion, documents concerning children had been distributed to the 500 participants and papers on the situation of children in Africa and on the principles of the Convention had been presented.

20. Mr. ZINA (Burkina Faso) reminded members that the constraints acting on his country were jeopardizing the health situation. As to the disparities between the UNICEF document that had been mentioned and the official data on maternal mortality and malnutrition, he pointed out that the collection of data in the field was difficult. In his view, maternal mortality data published by UNICEF (810 female deaths for every 100,000 births) were too high. Reports and studies by the Burkina Faso authorities had found a maternal mortality rate of between 566 and 610 per 100,000 births. The data sources were not uniform; hence the disparity in the statistics. As to malnutrition, it was difficult to provide figures, as the reference population (children from birth up to the age of one year, or from birth up to the age of five) varied from one study to another. The problem was none the less a serious one and must be tackled. It was related to low school enrolment, the mothers' lack of training, inadequate incomes both in the towns and in the countryside, and a precarious rainfall situation. The survival of children and mothers was a priority area in the Action Plan for Children.

21. In the field, collaboration with UNICEF was satisfactory. UNICEF represented the NGOs in the Follow-up Committee for the NAP for Children and was represented on the National Committee for the Bamako Initiative. In his view, UNICEF, like the Burkina Faso authorities, was confronted with a data-reliability problem and was sometimes obliged to make estimates. It was therefore essential to strengthen cooperation with the agencies which could help Burkina Faso to improve its information system. The National Institute of Statistics, which was working with the health sector, was faced with difficulties in the areas of financing, supply and operating costs. Cooperation with the financing institutions was therefore essential.

22. Health accounted for 6 per cent of the national budget and was moving towards the 10 per cent advocated by WHO. Education accounted for 12 per cent of the national budget. His Government considered that the development of Burkina Faso and its riches was dependent on the improvement of human resources. In that connection, an annual public investment programme was submitted to the various national partners and constituted a priority.

23. The Burkina Faso authorities were endeavouring to improve women's incomes in order to promote national development. However, they were hampered by difficulties which led to social inequalities and had a deadening effect on society as a whole. There too, Burkina Faso needed resources.

24. In reply to Mrs. Eufemio, he said that the first task of the National Follow-up Committee had been to prepare the initial report of Burkina Faso. The Committee, under the supervision of the Ministry of Social Action, comprised representatives of the ministries concerned, NGOs and various associations. There was also a committee which combated practices harmful to the health of women, in particular excision. The National Follow-up Committee

was also entrusted with the task of preparing a set of indicators. That work was under way. Whereas the NAP was being reconsidered in the light of the Structural Adjustment Plan, those indicators would be useful in order to implement it and set its objectives. Once prepared, they would be placed at the disposal of the sectors concerned.

25. Mr. NIGNAN (Burkina Faso), referring to the preparation of the initial report, said that it had been decided at the outset to bring together persons in direct contact with children. On the occasion of African Children's Day, organized with UNICEF support, whose theme had been the child's right to health, the Burkina Faso authorities had brought together the 30 provincial high commissioners, the 30 provincial directors of health and social action, and the 30 senior social action officials. After that Day, the National Action Plan and the initial report had been widely disseminated to all the national partners and to some 40 national associations working in support of children in the areas of survival and protection. Those associations had, in their turn, publicized the initial report. In addition, all the ministries concerned and all the customary and religious chiefs had taken note of it. The Burkina Faso authorities now intended to circulate the report among the members of parliament, which demonstrated the great interest taken by the Government in action in support of children.

26. Mr. HAMMARBERG considered that there was a methodological problem in connection with the collection of data. Such data should be targeted more precisely. By way of example, the primary health clinics could gather useful information from their patients.

27. He welcomes the campaign being waged by the Burkina Faso authorities against excision. However, much remained to be done in order to eliminate discrimination against girls, even if the political will shown by Burkina Faso was praiseworthy.

28. With regard to international cooperation, it seemed that the developed societies were now concerned more with countries suffering from famine than with those aiming at sustainable development. However, a consensus was forming in the world community and among United Nations bodies concerning certain priorities: human rights, economic and social rights, rights of women, rights of the child, and the right to development. As to structural adjustment, the World Bank and IMF were beginning to take account of social realities, in particular health. UNDP was placing increasing stress on human development. Countries requiring international cooperation should specify their needs. The Committee on the Rights of the Child should help Burkina Faso along those lines, since that was its role.

29. Mr. KOLOSOV said that he would welcome details of the composition of the Follow-up and Evaluation Committee for the National Action Plan and, in particular, the customary authorities mentioned in the report (document CRC/C/3/Add.19, p. 5). In view of the importance of animism in Burkina Faso, he wondered about the general attitude of animists to children and the influence that animist rituals had on children. Lastly, he asked by what means schoolchildren and teachers were made aware of the rights of the child (awareness campaign or special training programme).

30. Mr. MOMBESHORA said that he was very concerned about the problems of malnutrition in Burkina Faso. He wondered whether the alternance of a long dry season and a short rainy season enabled the country to produce sufficient food to meet its needs. He would also welcome more information on the problem of desertification and ecological problems. In particular, he asked whether courses were given in school on environmental protection.

31. Mrs. SANTOS PAIS welcomed the fact that Burkina Faso recognized the primacy of the rights of the child and wished to benefit from international technical assistance and cooperation in order to implement projects intended for children. It would be useful to know the specific priority areas on which Burkina Faso would like such technical assistance to be targeted. She noted with satisfaction that much stress was placed on human resources, but deplored the fact that extreme poverty forced many children to live in the streets. It was her understanding that the Convention on the Rights of the Child took precedence over national legislation. She also welcomed the fact that the Government had made the members of parliament aware of the problems of children and hoped that they would take all the necessary measures to ensure that the Convention became a reality. Her reading the core document (HRI/CORE 1/Add.30) prompted fears that the judicial police laws might diminish the absolute validity of the Convention.

32. Mrs. EUFEMIO said she would like to know whether young persons were represented in the NAP Follow-up and Evaluation Committee. She understood that the Plan had been adjusted and asked whether the new Plan set objectives aimed at promoting the rights of children in their family environment.

33. Mr. OUEDRAOGO (Burkina Faso) said that, for the benefit of Mr. Kolosov, he wished to give a brief historical account in order to explain the importance of the customary authorities in his country. In 1896, France had begun its conquest of a number of territories (in the north, the Yatenga empire, on the central plateau Moogo Naaba, in the east the kingdom of Gourma and in the south-east Tenkodojo). That group of empires, kingdoms and principalities had been dominated by cheftainries which had then forced the inhabitants to send their children to school. Following the insurrection on 3 January 1966, the cheftainries had been regarded as backward, but since 1987 the Government had been trying to associate the customary authorities, who enjoyed moral authority, in the management of the country's affairs. Those authorities were therefore represented in the NAP Follow-up and Evaluation Committee.

34. Mr. NIGNAN (Burkina Faso) pointed out that Burkina Faso's NAP had been set up with the participation of leaders of each religion and each province. Each province had been represented by an official of the three major religions (Muslim, Christian and animist). A meeting had been held at the national level and had resulted in the Ouagadougou declaration.

35. Mr. OUEDRAOGO (Burkina Faso) said that animism was very strong in Burkina Faso. It was based on ancestor worship and respect for natural phenomena. Children were regarded as both the reflection of the former world and the promise of the future. They were held in veneration as ancestors who had returned to earth. Evening classes were organized to inculcate in children the culture of their village, region and country. Turning to the

question of creating awareness of the rights of children, he said that training was given at all levels (social action, human rights defence movements, plays) and special training modules were set up in major institutions of higher education: ENEP (National College for Primary-Level Teachers), ENSP (National Public Health College) and ENSS (National Social Service College). Training in the rights of the child was based mainly on information cards relating to the Convention on the Rights of the Child, which had been devised by Mrs. Belembaogo, a member of the Committee.

36. Mr. ZINA (Burkina Faso), referring to a question asked by Mr. Mombeshora, said that the problem of desertification was worsening with every passing day from the north to the south of the country. That was due to both climatic and behavioural factors (deforestation, straying animals, dwindling rainfall, bushfires). As a result, the objectives of the food self-sufficiency plan had not been achieved during the past few years. The problem of malnutrition affected children in the months following weaning, in both rural and urban areas, and women, who frequently suffered from serious anaemia and considerable mineral deficiencies. There were several kinds of malnutrition: protein deficiency (kwashiorkor), glucide deficiency and iodine deficiency which gave rise to the formation of goitres, and certain vitamin deficiencies that could lead to blindness. Infant and maternal mortality and morbidity rates were still very high in Burkina Faso.

37. Turning to the subject of ecology, he acknowledged that many problems still remained (refuse disposal, sewage, housing, etc.). Desertification and the precarious living conditions in rural areas were increasingly causing an exodus to the towns, which were unable to provide adequate sanitation. However, it should be noted that UNDP had included an "environmental protection" component in its social development projects, and it was therefore to be hoped that a national action programme for the environment would be put in place. In that connection, legislation had been adopted by the Chamber of Deputies. In addition, environmental impact studies were to be made within the framework of development projects.

38. Mr. OUEDRAOGO (Burkina Faso), replying to Mrs. Santos País, said that the Judicial Police Act in no way affected the validity of the Convention on the Rights of the Child. The rule was that no child under 13 years of age could be sentenced under any circumstances.

39. Mr. NIGNAN (Burkina Faso), replying to a further comment by Mrs. Santos País, pointed out that many young people were leaving outlying regions for the large cities. If they were not able to find work there, they ended up on the streets. Educators with special skills were working in the streets to assist such young people, and government-recognized associations had been set up by street children themselves. On the question of the participation of children, it should be noted that young people had recently called for a children's parliament to be created. The matter was currently under study, but there was need to be realistic and to take into account the fact that the country's resources were limited, which meant that it could not put into effect any and every proposal that was made. Lastly, it should be noted that the Code of the Individual and the Family, which had recently been adopted, recognized numerous children's rights.

40. Mr. OUEDRAOGO (Burkina Faso) pointed out that there could be no derogation from the rights guaranteed in the preamble to the Constitution except by virtue of organic laws and only in exceptional circumstances. In general, the legislative provisions of Burkina Faso put more emphasis on the responsibility of parents than on the responsibility of children.

41. Mr. NIGNAN (Burkina Faso) said that the Ministry for the Plan and the Ministry of Social Action had undertaken a second reading of the NAP, on the grounds that the first version of the Plan had not taken into account the particular problems of women and girls. In response to a question from Mrs. Eufemio, it should be pointed out that young people were taking part in the work of the NAP Follow-up and Evaluation Committee through non-governmental organizations working in support of children, which had designated the NGO Enfants du monde to represent them.

42. The CHAIRPERSON recalled that Mr. Mombeshora had raised questions concerning the right of the child to a healthy environment, and had asked whether courses on environmental protection were included in school curricula.

43. Mr. OUEDRAOGO (Burkina Faso) replied that the right to a healthy environment had been guaranteed for some years in Burkina Faso, and that environmental protection was covered in school curricula.

44. Mr. HAMMARBERG said he would also like to know the views of the Burkina Faso authorities on the setting-up of an independent system for monitoring branches of the administration concerned with the realization of the rights of the child. As he saw it, a critical body, recognized by the Government, would be extremely useful.

45. Mrs. SANTOS PAIS, in response to a point made by Mr. Nignan, said the idea of a children's parliament was an interesting one, but great care should be taken not to use that idea for demagogic purposes. Some countries already gave children the opportunity to make their voices heard on one or two days a year. Initially, Burkina Faso could use the two days devoted to children to allow them a voice. On the matter of the Judicial Police Act, she pointed out that organic laws which at first sight appeared to establish structures could give rise to questions where the rights of the individual were concerned. Thus, in the context of that Act, a child could very well be arrested without being brought before a judge.

46. Mr. OUEDRAOGO (Burkina Faso), in reply, emphasized that it was not a question of using an organic law in order to go back on rights that had been guaranteed elsewhere. In any event, fundamental rights were guaranteed by the Constitution, which also defined the limits within which the authorities could act.

47. He believed that there was in fact need for an independent moral authority in Burkina Faso, along the lines suggested by Mr. Hammarberg. A number of government departments were now considering creating a post of mediator. Concerning relations between the administration and the public, any matter which could not be settled by law and which gave rise to problems could be dealt with by the mediator, who would also be responsible for deciding

which jurisdiction was competent if any legal problem arose. Such a mediation service could include one section for women's rights and another section for the rights of the child.

48. Mr. KOLOSOV, pointed out, in connection with the definition of the child, that, according to the report of Burkina Faso (CRC/C/3/Add.19), the age of majority was set at 20 years. Under the Convention, a child meant "every human being below the age of 18 years". It would therefore appear that between 18 and 20 years of age persons were neither protected by the Convention nor considered as adults. In addition, according to paragraph 7 of the report, "the Penal Code sets majority age at 17", whereas paragraph 13 stated that majority for criminal matters was set at 18 years; there seemed to be a contradiction between those two paragraphs.

49. Mrs. SANTOS PAIS said she was surprised to note that the law differentiated between boys and girls in regard to the minimum age for marriage. Did not that constitute discrimination on grounds of sex? Furthermore, paragraph 11 of the report stated that derogations concerning the minimum age for marriage might be made by the judge in "certain cases". What were those cases? Lastly, the same paragraph stated that mutual consent to marriage had brought an end to forced marriages. Was there not a danger that such mutual consent might in fact conceal forced marriages?

50. In addition, what was the basis of the concepts of majority in criminal matters at 18 years of age, absolute immunity under 13 years of age, and relative immunity over 13 years of age? In that context, it should be noted that paragraph 34 of the report indicated that, for 1990, the number of children between 13 and 18 years of age in prison was estimated at 270. The fact that majority in criminal matters was set at 18 did not therefore in practice prevent children from being deprived of their liberty.

51. The Convention aimed to establish a minimum level of protection for children by setting a limit of 18 years. At the same time, the right of children to participate in society must be recognized. If the law of Burkina Faso set the age of majority at 20 years, that perhaps meant that the Government was prepared to guarantee the protection of the child, as provided for under the Convention, up to the age of 20. However, that should not prevent young people under 20 years of age from participating in social or family life. Could the representative confirm that interpretation?

52. The CHAIRPERSON requested the delegation of Burkina Faso to reply to questions at the next meeting.

The meeting rose at 1 p.m.